



Rep. Jeanne M Ives

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LRB099 10217 RJF 33132 a

1 AMENDMENT TO HOUSE BILL 3978

2 AMENDMENT NO. _____. Amend House Bill 3978 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-206 and 11-601.5 as follows:

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of
2 vehicles committed within any 12 month period. No
3 revocation or suspension shall be entered more than 6
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor
6 vehicle collisions or has been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree that indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 4. Has by the unlawful operation of a motor vehicle
14 caused or contributed to an accident resulting in injury
15 requiring immediate professional treatment in a medical
16 facility or doctor's office to any person, except that any
17 suspension or revocation imposed by the Secretary of State
18 under the provisions of this subsection shall start no
19 later than 6 months after being convicted of violating a
20 law or ordinance regulating the movement of traffic, which
21 violation is related to the accident, or shall start not
22 more than one year after the date of the accident,
23 whichever date occurs later;

24 5. Has permitted an unlawful or fraudulent use of a
25 driver's license, identification card, or permit;

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

4 7. Has refused or failed to submit to an examination
5 provided for by Section 6-207 or has failed to pass the
6 examination;

7 8. Is ineligible for a driver's license or permit under
8 the provisions of Section 6-103;

9 9. Has made a false statement or knowingly concealed a
10 material fact or has used false information or
11 identification in any application for a license,
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to
14 fraudulently use any license, identification card, or
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of this
17 State when the person's driving privilege or privilege to
18 obtain a driver's license or permit was revoked or
19 suspended unless the operation was authorized by a
20 monitoring device driving permit, judicial driving permit
21 issued prior to January 1, 2009, probationary license to
22 drive, or a restricted driving permit issued under this
23 Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of this
4 State when the person's driver's license or permit was
5 invalid under the provisions of Sections 6-107.1 and 6-110;

6 14. Has committed a violation of Section 6-301,
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 relating
11 to criminal trespass to vehicles in which case, the
12 suspension shall be for one year;

13 16. Has been convicted of violating Section 11-204 of
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 of this Code and the person
17 has not sought a hearing as provided for in Section
18 11-501.1;

19 18. Has, since issuance of a driver's license or
20 permit, been adjudged to be afflicted with or suffering
21 from any mental disability or disease;

22 19. Has committed a violation of paragraph (a) or (b)
23 of Section 6-101 relating to driving without a driver's
24 license;

25 20. Has been convicted of violating Section 6-104
26 relating to classification of driver's license;

1 21. Has been convicted of violating Section 11-402 of
2 this Code relating to leaving the scene of an accident
3 resulting in damage to a vehicle in excess of \$1,000, in
4 which case the suspension shall be for one year;

5 22. Has used a motor vehicle in violating paragraph
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
7 the Criminal Code of 1961 or the Criminal Code of 2012
8 relating to unlawful use of weapons, in which case the
9 suspension shall be for one year;

10 23. Has, as a driver, been convicted of committing a
11 violation of paragraph (a) of Section 11-502 of this Code
12 for a second or subsequent time within one year of a
13 similar violation;

14 24. Has been convicted by a court-martial or punished
15 by non-judicial punishment by military authorities of the
16 United States at a military installation in Illinois or in
17 another state of or for a traffic related offense that is
18 the same as or similar to an offense specified under
19 Section 6-205 or 6-206 of this Code;

20 25. Has permitted any form of identification to be used
21 by another in the application process in order to obtain or
22 attempt to obtain a license, identification card, or
23 permit;

24 26. Has altered or attempted to alter a license or has
25 possessed an altered license, identification card, or
26 permit;

1 27. Has violated Section 6-16 of the Liquor Control Act
2 of 1934;

3 28. Has been convicted for a first time of the illegal
4 possession, while operating or in actual physical control,
5 as a driver, of a motor vehicle, of any controlled
6 substance prohibited under the Illinois Controlled
7 Substances Act, any cannabis prohibited under the Cannabis
8 Control Act, or any methamphetamine prohibited under the
9 Methamphetamine Control and Community Protection Act, in
10 which case the person's driving privileges shall be
11 suspended for one year. Any defendant found guilty of this
12 offense while operating a motor vehicle, shall have an
13 entry made in the court record by the presiding judge that
14 this offense did occur while the defendant was operating a
15 motor vehicle and order the clerk of the court to report
16 the violation to the Secretary of State;

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle: criminal
20 sexual assault, predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, criminal sexual
22 abuse, aggravated criminal sexual abuse, juvenile pimping,
23 soliciting for a juvenile prostitute, promoting juvenile
24 prostitution as described in subdivision (a) (1), (a) (2),
25 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
26 or the Criminal Code of 2012, and the manufacture, sale or

1 delivery of controlled substances or instruments used for
2 illegal drug use or abuse in which case the driver's
3 driving privileges shall be suspended for one year;

4 30. Has been convicted a second or subsequent time for
5 any combination of the offenses named in paragraph 29 of
6 this subsection, in which case the person's driving
7 privileges shall be suspended for 5 years;

8 31. Has refused to submit to a test as required by
9 Section 11-501.6 of this Code or Section 5-16c of the Boat
10 Registration and Safety Act or has submitted to a test
11 resulting in an alcohol concentration of 0.08 or more or
12 any amount of a drug, substance, or compound resulting from
13 the unlawful use or consumption of cannabis as listed in
14 the Cannabis Control Act, a controlled substance as listed
15 in the Illinois Controlled Substances Act, an intoxicating
16 compound as listed in the Use of Intoxicating Compounds
17 Act, or methamphetamine as listed in the Methamphetamine
18 Control and Community Protection Act, in which case the
19 penalty shall be as prescribed in Section 6-208.1;

20 32. Has been convicted of Section 24-1.2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 relating
22 to the aggravated discharge of a firearm if the offender
23 was located in a motor vehicle at the time the firearm was
24 discharged, in which case the suspension shall be for 3
25 years;

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this Code
3 or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of
5 this Code or a similar provision of a local ordinance;

6 35. Has committed a violation of Section 11-1301.6 of
7 this Code or a similar provision of a local ordinance;

8 36. Is under the age of 21 years at the time of arrest
9 and has been convicted of not less than 2 offenses against
10 traffic regulations governing the movement of vehicles
11 committed within any 24 month period. No revocation or
12 suspension shall be entered more than 6 months after the
13 date of last conviction;

14 37. Has committed a violation of subsection (c) of
15 Section 11-907 of this Code that resulted in damage to the
16 property of another or the death or injury of another;

17 38. Has been convicted of a violation of Section 6-20
18 of the Liquor Control Act of 1934 or a similar provision of
19 a local ordinance;

20 39. Has committed a second or subsequent violation of
21 Section 11-1201 of this Code;

22 40. Has committed a violation of subsection (a-1) of
23 Section 11-908 of this Code;

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code, a similar provision of a
26 local ordinance, or a similar violation in any other state

1 within 2 years of the date of the previous violation, in
2 which case the suspension shall be for 90 days;

3 42. Has committed a violation of subsection (a-1) of
4 Section 11-1301.3 of this Code or a similar provision of a
5 local ordinance;

6 43. Has received a disposition of court supervision for
7 a violation of subsection (a), (d), or (e) of Section 6-20
8 of the Liquor Control Act of 1934 or a similar provision of
9 a local ordinance, in which case the suspension shall be
10 for a period of 3 months;

11 44. Is under the age of 21 years at the time of arrest
12 and has been convicted of an offense against traffic
13 regulations governing the movement of vehicles after
14 having previously had his or her driving privileges
15 suspended or revoked pursuant to subparagraph 36 of this
16 Section;

17 45. Has, in connection with or during the course of a
18 formal hearing conducted under Section 2-118 of this Code:
19 (i) committed perjury; (ii) submitted fraudulent or
20 falsified documents; (iii) submitted documents that have
21 been materially altered; or (iv) submitted, as his or her
22 own, documents that were in fact prepared or composed for
23 another person;

24 46. Has committed a violation of subsection (j) of
25 Section 3-413 of this Code; ~~or~~

26 47. Has committed a violation of Section 11-502.1 of

1 this Code; or -

2 48. Has been convicted of a violation of Section
3 11-601.5 of this Code.

4 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
5 and 27 of this subsection, license means any driver's license,
6 any traffic ticket issued when the person's driver's license is
7 deposited in lieu of bail, a suspension notice issued by the
8 Secretary of State, a duplicate or corrected driver's license,
9 a probationary driver's license or a temporary driver's
10 license.

11 (b) If any conviction forming the basis of a suspension or
12 revocation authorized under this Section is appealed, the
13 Secretary of State may rescind or withhold the entry of the
14 order of suspension or revocation, as the case may be, provided
15 that a certified copy of a stay order of a court is filed with
16 the Secretary of State. If the conviction is affirmed on
17 appeal, the date of the conviction shall relate back to the
18 time the original judgment of conviction was entered and the 6
19 month limitation prescribed shall not apply.

20 (c) 1. Upon suspending or revoking the driver's license or
21 permit of any person as authorized in this Section, the
22 Secretary of State shall immediately notify the person in
23 writing of the revocation or suspension. The notice to be
24 deposited in the United States mail, postage prepaid, to the
25 last known address of the person.

26 2. If the Secretary of State suspends the driver's license

1 of a person under subsection 2 of paragraph (a) of this
2 Section, a person's privilege to operate a vehicle as an
3 occupation shall not be suspended, provided an affidavit is
4 properly completed, the appropriate fee received, and a permit
5 issued prior to the effective date of the suspension, unless 5
6 offenses were committed, at least 2 of which occurred while
7 operating a commercial vehicle in connection with the driver's
8 regular occupation. All other driving privileges shall be
9 suspended by the Secretary of State. Any driver prior to
10 operating a vehicle for occupational purposes only must submit
11 the affidavit on forms to be provided by the Secretary of State
12 setting forth the facts of the person's occupation. The
13 affidavit shall also state the number of offenses committed
14 while operating a vehicle in connection with the driver's
15 regular occupation. The affidavit shall be accompanied by the
16 driver's license. Upon receipt of a properly completed
17 affidavit, the Secretary of State shall issue the driver a
18 permit to operate a vehicle in connection with the driver's
19 regular occupation only. Unless the permit is issued by the
20 Secretary of State prior to the date of suspension, the
21 privilege to drive any motor vehicle shall be suspended as set
22 forth in the notice that was mailed under this Section. If an
23 affidavit is received subsequent to the effective date of this
24 suspension, a permit may be issued for the remainder of the
25 suspension period.

26 The provisions of this subparagraph shall not apply to any

1 driver required to possess a CDL for the purpose of operating a
2 commercial motor vehicle.

3 Any person who falsely states any fact in the affidavit
4 required herein shall be guilty of perjury under Section 6-302
5 and upon conviction thereof shall have all driving privileges
6 revoked without further rights.

7 3. At the conclusion of a hearing under Section 2-118 of
8 this Code, the Secretary of State shall either rescind or
9 continue an order of revocation or shall substitute an order of
10 suspension; or, good cause appearing therefor, rescind,
11 continue, change, or extend the order of suspension. If the
12 Secretary of State does not rescind the order, the Secretary
13 may upon application, to relieve undue hardship (as defined by
14 the rules of the Secretary of State), issue a restricted
15 driving permit granting the privilege of driving a motor
16 vehicle between the petitioner's residence and petitioner's
17 place of employment or within the scope of the petitioner's
18 employment related duties, or to allow the petitioner to
19 transport himself or herself, or a family member of the
20 petitioner's household to a medical facility, to receive
21 necessary medical care, to allow the petitioner to transport
22 himself or herself to and from alcohol or drug remedial or
23 rehabilitative activity recommended by a licensed service
24 provider, or to allow the petitioner to transport himself or
25 herself or a family member of the petitioner's household to
26 classes, as a student, at an accredited educational

1 institution, or to allow the petitioner to transport children,
2 elderly persons, or disabled persons who do not hold driving
3 privileges and are living in the petitioner's household to and
4 from daycare. The petitioner must demonstrate that no
5 alternative means of transportation is reasonably available
6 and that the petitioner will not endanger the public safety or
7 welfare. Those multiple offenders identified in subdivision
8 (b)4 of Section 6-208 of this Code, however, shall not be
9 eligible for the issuance of a restricted driving permit.

10 (A) If a person's license or permit is revoked or
11 suspended due to 2 or more convictions of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance or a similar out-of-state offense, or Section 9-3
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 where the use of alcohol or other drugs is recited as an
16 element of the offense, or a similar out-of-state offense,
17 or a combination of these offenses, arising out of separate
18 occurrences, that person, if issued a restricted driving
19 permit, may not operate a vehicle unless it has been
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1.

22 (B) If a person's license or permit is revoked or
23 suspended 2 or more times within a 10 year period due to
24 any combination of:

25 (i) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense or Section
2 9-3 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, where the use of alcohol or other drugs is
4 recited as an element of the offense, or a similar
5 out-of-state offense; or

6 (ii) a statutory summary suspension or revocation
7 under Section 11-501.1; or

8 (iii) a suspension under Section 6-203.1;

9 arising out of separate occurrences; that person, if issued
10 a restricted driving permit, may not operate a vehicle
11 unless it has been equipped with an ignition interlock
12 device as defined in Section 1-129.1.

13 (C) The person issued a permit conditioned upon the use
14 of an ignition interlock device must pay to the Secretary
15 of State DUI Administration Fund an amount not to exceed
16 \$30 per month. The Secretary shall establish by rule the
17 amount and the procedures, terms, and conditions relating
18 to these fees.

19 (D) If the restricted driving permit is issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device does not apply to the operation
23 of an occupational vehicle owned or leased by that person's
24 employer when used solely for employment purposes.

25 (E) In each case the Secretary may issue a restricted
26 driving permit for a period deemed appropriate, except that

1 all permits shall expire within one year from the date of
2 issuance. The Secretary may not, however, issue a
3 restricted driving permit to any person whose current
4 revocation is the result of a second or subsequent
5 conviction for a violation of Section 11-501 of this Code
6 or a similar provision of a local ordinance or any similar
7 out-of-state offense, or Section 9-3 of the Criminal Code
8 of 1961 or the Criminal Code of 2012, where the use of
9 alcohol or other drugs is recited as an element of the
10 offense, or any similar out-of-state offense, or any
11 combination of those offenses, until the expiration of at
12 least one year from the date of the revocation. A
13 restricted driving permit issued under this Section shall
14 be subject to cancellation, revocation, and suspension by
15 the Secretary of State in like manner and for like cause as
16 a driver's license issued under this Code may be cancelled,
17 revoked, or suspended; except that a conviction upon one or
18 more offenses against laws or ordinances regulating the
19 movement of traffic shall be deemed sufficient cause for
20 the revocation, suspension, or cancellation of a
21 restricted driving permit. The Secretary of State may, as a
22 condition to the issuance of a restricted driving permit,
23 require the applicant to participate in a designated driver
24 remedial or rehabilitative program. The Secretary of State
25 is authorized to cancel a restricted driving permit if the
26 permit holder does not successfully complete the program.

1 (c-3) In the case of a suspension under paragraph 43 of
2 subsection (a), reports received by the Secretary of State
3 under this Section shall, except during the actual time the
4 suspension is in effect, be privileged information and for use
5 only by the courts, police officers, prosecuting authorities,
6 the driver licensing administrator of any other state, the
7 Secretary of State, or the parent or legal guardian of a driver
8 under the age of 18. However, beginning January 1, 2008, if the
9 person is a CDL holder, the suspension shall also be made
10 available to the driver licensing administrator of any other
11 state, the U.S. Department of Transportation, and the affected
12 driver or motor carrier or prospective motor carrier upon
13 request.

14 (c-4) In the case of a suspension under paragraph 43 of
15 subsection (a), the Secretary of State shall notify the person
16 by mail that his or her driving privileges and driver's license
17 will be suspended one month after the date of the mailing of
18 the notice.

19 (c-5) The Secretary of State may, as a condition of the
20 reissuance of a driver's license or permit to an applicant
21 whose driver's license or permit has been suspended before he
22 or she reached the age of 21 years pursuant to any of the
23 provisions of this Section, require the applicant to
24 participate in a driver remedial education course and be
25 retested under Section 6-109 of this Code.

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

2 (e) The Secretary of State shall not issue a restricted
3 driving permit to a person under the age of 16 years whose
4 driving privileges have been suspended or revoked under any
5 provisions of this Code.

6 (f) In accordance with 49 C.F.R. 384, the Secretary of
7 State may not issue a restricted driving permit for the
8 operation of a commercial motor vehicle to a person holding a
9 CDL whose driving privileges have been suspended, revoked,
10 cancelled, or disqualified under any provisions of this Code.

11 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
12 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
13 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
14 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
15 7-16-14.)

16 (625 ILCS 5/11-601.5)

17 Sec. 11-601.5. Driving 30 ~~26~~ miles per hour or more in
18 excess of applicable limit.

19 (a) A person who drives a vehicle upon any highway of this
20 State at a speed that is 30 ~~26~~ miles per hour or more ~~but less~~
21 ~~than 35 miles per hour~~ in excess of the applicable maximum
22 speed limit established under this Chapter or a local ordinance
23 commits a Class B misdemeanor.

24 (b) (Blank). ~~A person who drives a vehicle upon any highway~~
25 ~~of this State at a speed that is 35 miles per hour or more in~~

1 ~~excess of the applicable maximum speed limit established under~~
2 ~~this Chapter or a local ordinance commits a Class A~~
3 ~~misdemeanor.~~

4 (Source: P.A. 98-511, eff. 1-1-14.)

5 Section 10. The Unified Code of Corrections is amended by
6 changing Section 5-6-1 as follows:

7 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

8 Sec. 5-6-1. Sentences of Probation and of Conditional
9 Discharge and Disposition of Supervision. The General Assembly
10 finds that in order to protect the public, the criminal justice
11 system must compel compliance with the conditions of probation
12 by responding to violations with swift, certain and fair
13 punishments and intermediate sanctions. The Chief Judge of each
14 circuit shall adopt a system of structured, intermediate
15 sanctions for violations of the terms and conditions of a
16 sentence of probation, conditional discharge or disposition of
17 supervision.

18 (a) Except where specifically prohibited by other
19 provisions of this Code, the court shall impose a sentence of
20 probation or conditional discharge upon an offender unless,
21 having regard to the nature and circumstance of the offense,
22 and to the history, character and condition of the offender,
23 the court is of the opinion that:

24 (1) his imprisonment or periodic imprisonment is

1 necessary for the protection of the public; or

2 (2) probation or conditional discharge would deprecate
3 the seriousness of the offender's conduct and would be
4 inconsistent with the ends of justice; or

5 (3) a combination of imprisonment with concurrent or
6 consecutive probation when an offender has been admitted
7 into a drug court program under Section 20 of the Drug
8 Court Treatment Act is necessary for the protection of the
9 public and for the rehabilitation of the offender.

10 The court shall impose as a condition of a sentence of
11 probation, conditional discharge, or supervision, that the
12 probation agency may invoke any sanction from the list of
13 intermediate sanctions adopted by the chief judge of the
14 circuit court for violations of the terms and conditions of the
15 sentence of probation, conditional discharge, or supervision,
16 subject to the provisions of Section 5-6-4 of this Act.

17 (b) The court may impose a sentence of conditional
18 discharge for an offense if the court is of the opinion that
19 neither a sentence of imprisonment nor of periodic imprisonment
20 nor of probation supervision is appropriate.

21 (b-1) Subsections (a) and (b) of this Section do not apply
22 to a defendant charged with a misdemeanor or felony under the
23 Illinois Vehicle Code or reckless homicide under Section 9-3 of
24 the Criminal Code of 1961 or the Criminal Code of 2012 if the
25 defendant within the past 12 months has been convicted of or
26 pleaded guilty to a misdemeanor or felony under the Illinois

1 Vehicle Code or reckless homicide under Section 9-3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (c) The court may, upon a plea of guilty or a stipulation
4 by the defendant of the facts supporting the charge or a
5 finding of guilt, defer further proceedings and the imposition
6 of a sentence, and enter an order for supervision of the
7 defendant, if the defendant is not charged with: (i) a Class A
8 misdemeanor, as defined by the following provisions of the
9 Criminal Code of 1961 or the Criminal Code of 2012: Sections
10 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
11 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
12 paragraph (1) through (5), (8), (10), and (11) of subsection
13 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
14 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
15 Act; or (iii) a felony. If the defendant is not barred from
16 receiving an order for supervision as provided in this
17 subsection, the court may enter an order for supervision after
18 considering the circumstances of the offense, and the history,
19 character and condition of the offender, if the court is of the
20 opinion that:

21 (1) the offender is not likely to commit further
22 crimes;

23 (2) the defendant and the public would be best served
24 if the defendant were not to receive a criminal record; and

25 (3) in the best interests of justice an order of
26 supervision is more appropriate than a sentence otherwise

1 permitted under this Code.

2 (c-5) Subsections (a), (b), and (c) of this Section do not
3 apply to a defendant charged with a second or subsequent
4 violation of Section 6-303 of the Illinois Vehicle Code
5 committed while his or her driver's license, permit or
6 privileges were revoked because of a violation of Section 9-3
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state.

10 (d) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the defendant has previously been:

14 (1) convicted for a violation of Section 11-501 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance or any similar law or ordinance of another state;
17 or

18 (2) assigned supervision for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance or any similar law or ordinance of
21 another state; or

22 (3) pleaded guilty to or stipulated to the facts
23 supporting a charge or a finding of guilty to a violation
24 of Section 11-503 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance or any similar law or
26 ordinance of another state, and the plea or stipulation was

1 the result of a plea agreement.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (e) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 16-25 or 16A-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 if said
8 defendant has within the last 5 years been:

9 (1) convicted for a violation of Section 16-25 or 16A-3
10 of the Criminal Code of 1961 or the Criminal Code of 2012;
11 or

12 (2) assigned supervision for a violation of Section
13 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012.

15 The court shall consider the statement of the prosecuting
16 authority with regard to the standards set forth in this
17 Section.

18 (f) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Sections 15-111, 15-112,
20 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
21 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance.

23 (g) Except as otherwise provided in paragraph (i) of this
24 Section, the provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 3-707, 3-708, 3-710,
26 or 5-401.3 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance if the defendant has within the last 5
2 years been:

3 (1) convicted for a violation of Section 3-707, 3-708,
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance; or

6 (2) assigned supervision for a violation of Section
7 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
8 Code or a similar provision of a local ordinance.

9 The court shall consider the statement of the prosecuting
10 authority with regard to the standards set forth in this
11 Section.

12 (h) The provisions of paragraph (c) shall not apply to a
13 defendant under the age of 21 years charged with violating a
14 serious traffic offense as defined in Section 1-187.001 of the
15 Illinois Vehicle Code:

16 (1) unless the defendant, upon payment of the fines,
17 penalties, and costs provided by law, agrees to attend and
18 successfully complete a traffic safety program approved by
19 the court under standards set by the Conference of Chief
20 Circuit Judges. The accused shall be responsible for
21 payment of any traffic safety program fees. If the accused
22 fails to file a certificate of successful completion on or
23 before the termination date of the supervision order, the
24 supervision shall be summarily revoked and conviction
25 entered. The provisions of Supreme Court Rule 402 relating
26 to pleas of guilty do not apply in cases when a defendant

1 enters a guilty plea under this provision; or

2 (2) if the defendant has previously been sentenced
3 under the provisions of paragraph (c) on or after January
4 1, 1998 for any serious traffic offense as defined in
5 Section 1-187.001 of the Illinois Vehicle Code.

6 (h-1) The provisions of paragraph (c) shall not apply to a
7 defendant under the age of 21 years charged with an offense
8 against traffic regulations governing the movement of vehicles
9 or any violation of Section 6-107 or Section 12-603.1 of the
10 Illinois Vehicle Code, unless the defendant, upon payment of
11 the fines, penalties, and costs provided by law, agrees to
12 attend and successfully complete a traffic safety program
13 approved by the court under standards set by the Conference of
14 Chief Circuit Judges. The accused shall be responsible for
15 payment of any traffic safety program fees. If the accused
16 fails to file a certificate of successful completion on or
17 before the termination date of the supervision order, the
18 supervision shall be summarily revoked and conviction entered.
19 The provisions of Supreme Court Rule 402 relating to pleas of
20 guilty do not apply in cases when a defendant enters a guilty
21 plea under this provision.

22 (i) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 3-707 of the Illinois
24 Vehicle Code or a similar provision of a local ordinance if the
25 defendant has been assigned supervision for a violation of
26 Section 3-707 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance.

2 (j) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 6-303 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance when
5 the revocation or suspension was for a violation of Section
6 11-501 or a similar provision of a local ordinance or a
7 violation of Section 11-501.1 or paragraph (b) of Section
8 11-401 of the Illinois Vehicle Code if the defendant has within
9 the last 10 years been:

10 (1) convicted for a violation of Section 6-303 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance; or

13 (2) assigned supervision for a violation of Section
14 6-303 of the Illinois Vehicle Code or a similar provision
15 of a local ordinance.

16 (k) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating any provision of the Illinois
18 Vehicle Code or a similar provision of a local ordinance that
19 governs the movement of vehicles if, within the 12 months
20 preceding the date of the defendant's arrest, the defendant has
21 been assigned court supervision on 2 occasions for a violation
22 that governs the movement of vehicles under the Illinois
23 Vehicle Code or a similar provision of a local ordinance. The
24 provisions of this paragraph (k) do not apply to a defendant
25 charged with violating Section 11-501 of the Illinois Vehicle
26 Code or a similar provision of a local ordinance.

1 (1) A defendant charged with violating any provision of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance who receives a disposition of supervision under
4 subsection (c) shall pay an additional fee of \$29, to be
5 collected as provided in Sections 27.5 and 27.6 of the Clerks
6 of Courts Act. In addition to the \$29 fee, the person shall
7 also pay a fee of \$6, which, if not waived by the court, shall
8 be collected as provided in Sections 27.5 and 27.6 of the
9 Clerks of Courts Act. The \$29 fee shall be disbursed as
10 provided in Section 16-104c of the Illinois Vehicle Code. If
11 the \$6 fee is collected, \$5.50 of the fee shall be deposited
12 into the Circuit Court Clerk Operation and Administrative Fund
13 created by the Clerk of the Circuit Court and 50 cents of the
14 fee shall be deposited into the Prisoner Review Board Vehicle
15 and Equipment Fund in the State treasury.

16 (m) Any person convicted of, pleading guilty to, or placed
17 on supervision for a serious traffic violation, as defined in
18 Section 1-187.001 of the Illinois Vehicle Code, a violation of
19 Section 11-501 of the Illinois Vehicle Code, or a violation of
20 a similar provision of a local ordinance shall pay an
21 additional fee of \$35, to be disbursed as provided in Section
22 16-104d of that Code.

23 This subsection (m) becomes inoperative on January 1, 2020.

24 (n) The provisions of paragraph (c) shall not apply to any
25 person under the age of 18 who commits an offense against
26 traffic regulations governing the movement of vehicles or any

1 violation of Section 6-107 or Section 12-603.1 of the Illinois
2 Vehicle Code, except upon personal appearance of the defendant
3 in court and upon the written consent of the defendant's parent
4 or legal guardian, executed before the presiding judge. The
5 presiding judge shall have the authority to waive this
6 requirement upon the showing of good cause by the defendant.

7 (o) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 6-303 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance when
10 the suspension was for a violation of Section 11-501.1 of the
11 Illinois Vehicle Code and when:

12 (1) at the time of the violation of Section 11-501.1 of
13 the Illinois Vehicle Code, the defendant was a first
14 offender pursuant to Section 11-500 of the Illinois Vehicle
15 Code and the defendant failed to obtain a monitoring device
16 driving permit; or

17 (2) at the time of the violation of Section 11-501.1 of
18 the Illinois Vehicle Code, the defendant was a first
19 offender pursuant to Section 11-500 of the Illinois Vehicle
20 Code, had subsequently obtained a monitoring device
21 driving permit, but was driving a vehicle not equipped with
22 a breath alcohol ignition interlock device as defined in
23 Section 1-129.1 of the Illinois Vehicle Code.

24 (p) (Blank). ~~The provisions of paragraph (c) shall not~~
25 ~~apply to a defendant charged with violating Section 11-601.5 of~~
26 ~~the Illinois Vehicle Code or a similar provision of a local~~

1 ~~ordinance.~~

2 (q) (Blank). ~~The provisions of paragraph (c) shall not~~
3 ~~apply to a defendant charged with violating subsection (b) of~~
4 ~~Section 11-601 of the Illinois Vehicle Code when the defendant~~
5 ~~was operating a vehicle, in an urban district, at a speed in~~
6 ~~excess of 25 miles per hour over the posted speed limit.~~

7 (r) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating any provision of the Illinois
9 Vehicle Code or a similar provision of a local ordinance if the
10 violation was the proximate cause of the death of another and
11 the defendant's driving abstract contains a prior conviction or
12 disposition of court supervision for any violation of the
13 Illinois Vehicle Code, other than an equipment violation, or a
14 suspension, revocation, or cancellation of the driver's
15 license.

16 (s) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating subsection (i) of Section 70
18 of the Firearm Concealed Carry Act.

19 (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
20 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.
21 1-25-13; 98-169, eff. 1-1-14; 98-658, eff. 6-23-14; 98-899,
22 eff. 8-15-14; revised 10-1-14.)".